

REMARKS

The Office Action has set forth a restriction requirement to one of the following Groups: (I) claims 1, 2, 5, 6, and 9, drawn to a cyclic compound having a formula comprising SEQ ID NO: 1 (class 530, subclass 317), (II) claims 3, 4, 7, 8, and 10, drawn to a cyclic compound having a formula comprising SEQ ID NO: 2 (class 530, subclass 317), (III) claims 11-20 (each in part), drawn to a method of inhibiting binding using a compound having a formula comprising SEQ ID NO:1 (class 435, subclass 7.1), (IV) claims 11-20 (each in part), drawn to a method of inhibiting binding using a compound having a formula comprising SEQ ID NO: 2 (class 435, subclass 7.1), (V) claims 21-22 (each in part), drawn to a method of synthesis of a compound having a formula comprising SEQ ID NO:1 (class 435, subclass 4), (VI) claims 21-22 (each in part), drawn to a method of synthesis of a compound having a formula comprising SEQ ID NO: 2 (class 435, subclass 4). The Office Action also sets forth several election of species requirements, contingent on Applicants' response to the restriction requirement.

Applicants elect the claims of Group I (i.e., claims 1, 2, 5, 6, and 9), drawn to a cyclic compound having a formula comprising SEQ ID NO: 1, with traverse. Therefore, the Office Action also requires applicants to elect one species of carrier and one species of "L." With respect to the election of species, Applicants elect, with traverse (a) sulfoxide as the "L" moiety and (b) a signal peptide as the carrier for the conjugate.

All the claims of Group I (i.e., claims 1, 2, 5, 6, and 9) read on the elected species. Upon allowance of the generic claim (claim 1), Applicants understand that the Patent Office will consider the other claimed "L" moieties and carrier.

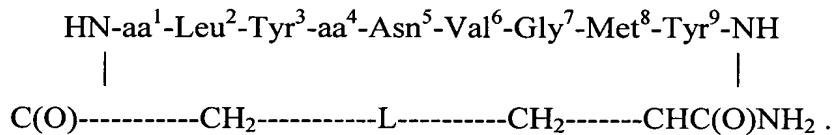
The Office Action acknowledges that the claims of Groups I, II, and V and Groups II, IV, and VI are related inasmuch as they are directed to a product, process of making the product, and process of using the product, but are nonetheless patentably distinct. Applicants understand that, upon allowance of a product claim, any withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with M.P.E.P. § 821.04.

A restriction requirement is proper only if (1) the inventions must be independent or distinct as claimed, and (2) examination of the claims of one Group with another Group would pose a serious burden on the Examiner even though the Groups are directed to distinct or independent inventions. Allegations that a claimed invention satisfies these criteria must be supported by reasoning and/or examples.

Applicants respectfully submit that the Restriction Requirement severing Group I and Group II is improper because the nature of the claims is such that any burden encountered in

In re Appln. of Roller et al.
Application No. 09/998,350

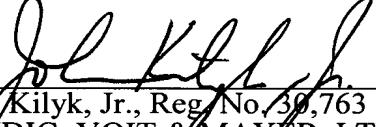
searching the groups together would, at most, be slight (and certainly not "serious"). In this respect, all of the pending claims involve a cyclic compound of the general formula



As such, any search and consideration of the claimed subject matter of Group I will necessarily overlap the search and consideration of the claimed subject matter of Group II.

Accordingly, there would appear to be sufficient similarity as between at least the claims of Group I and Group II to allow for the search and examination of all of the claims of Group I and Group II at the same time without a "serious burden" being placed on the Examiner. Applicants, therefore, respectfully request withdrawal of the restriction requirement as between the claims of Group I and Group II.

Respectfully submitted,



John Kilyk, Jr., Reg. No. 30,763
LENDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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